



Mediation Project

A Blueprint

A Project Blueprint for the Independent Police Monitor to establish a community-police mediation process in New Orleans

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4/30/2012

Discussion Point: This document is called the Mediation Project, and describes the Mediation Program but the Planning Committee should agree on a name for the program.

Below are some suggestions:-

1. Citizen-police mediation program,
2. Complainant-police mediation program,
3. Community-police mediation program, or
4. *Anything else?- reconciliation??*

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PURPOSE

In November 2010 a Memorandum of Understanding was signed between the New Orleans Police Department (NOPD) and the Independent Police Monitor (IPM). Point 15 indicates that the IPM will establish and administer a mediation program for civilian complaints, guided by best practices identified in other jurisdictions.

Poor planning results in poor mediation outcomes. It has been found that if mediation is included in an ordinance establishing a new oversight agency, it often becomes secondary to creating complaint and investigative processes and recruiting staff.¹

This Project Blueprint will propose a model and method for establishing a required community-police mediation process in New Orleans. The suggestions throughout the document are based on the comprehensive literature review provided in B- Mediation Review Paper (attached). Please do not forget to look at Attachments 2 and 3 when making decisions about the Mediation Program.

THE NEW ORLEANS CONTEXT

Ever since the Rodney King beating in California in 1991, police forces across the US have been subject to greater scrutiny and accountability regarding abuse of law enforcement power and authority.² The NOPD itself has had a variable history regarding corruption in general and poor relationships with minority groups in particular. Numerous reports considering problems with the NOPD have been produced by the Department of Justice (DOJ), the Federal Bureau of Investigations, the US Attorney, and external evaluators.³ For example, Safe Street/Strong Communities reports that a 1991 investigation of the NOPD by the US DOJ had found that New Orleans had the most citizen complaints regarding police brutality in the US.⁴

To set the scene, two reviews conducted in the past decade are considered in this Project Blueprint - the Police-Civilian Review Task Force in 2001 and the US Dept of Justice Civil Rights Division investigation in 2011.

Police-Civilian Review Task Force: 2001

A 20 member Police-Civilian Review Task Force- made up of citizen activists, civil rights organizations, crime victims, clergy, attorneys, academics, business people, police, and other concerned citizens- was chaired by the then City Council Member Marlin Gusman. The Task Force was to determine whether: (1) a review board with citizen input should be created to consider complaints against police officers and (2) whether changes should be made to Civil Service procedures, which were alleged to have been preventing the disciplining of problematic officers. The Task Force was created in response to citizen concerns raised at a community meeting regarding alleged officer misconduct epitomized in

¹ Walker, S., Archbold, C., & Herbst, L., *Mediating citizen complaints against police officers: A guide for police and community leaders* (2002), www.cops.usdoj.gov/pdf/e04021486web.pdf (last visited November 16, 2011)

² Stern, H. *Suing the city! A case study of police misconduct complaints in the City of Pittsburgh and the litigation and alternative dispute resolution options employed* (2005) http://citation.allacademic.com/meta/p_mla_apa_research_citation/0/8/6/3/0/pages86308/p86308-1.php (last visited November 16, 2011).

³ Gusman, M. N., *Report of the Police-Civilian Review Task Force* (2001) (New Orleans 2001)

⁴ Safe Streets, Strong Communities, *The Policing Reform Campaign* http://safestreetsnola.org/reform_policing/ (last visited November 16, 2011).

the fatal police shooting of an unarmed Algiers teenager. At two subsequent public meetings, attended by 75 citizens, calls for accountability, respect, and communication were made. In addition, perceived racism in the NOPD and the community needed to be acknowledged and addressed; white police officers engaging in racial bias towards African American citizens and African American officers participating or not intervening in these racially biased situations as they arose. The Task Force noted that perception of racial bias was cited by many community members as a condition leading to the sort of hopelessness and cynicism that prevents people from reporting abuse complaints. Many in the community felt nothing would be done if they initiated a complaint and the fear of police retaliation held them back.

The Task Force considered five options: (1) no change to the current system; (2) maintain but improve the current system; (3) add a Civilian Review Board to the current system; (4) revamp the entire system; and (5) a combination of these options. Ultimately the Task Force recommended system improvements combined with quality control through the establishment of an IPM. The IPM was subsequently established eight years later in 2009. One role of the IPM is to address citizen satisfaction with the NOPD and recognize and reinforce positive policy, procedures, and cultural changes within the NOPD. Community-police mediation is one strategy to address both interpersonal and structural racism inside the NOPD by addressing individual behaviors and creating data that can inform policy development and staff training.

Additionally, a mechanism for alternative dispute resolution was considered to be desirable and beneficial. The Task Force was of the view that a complaint of a *minor nature* may be more appropriately dealt with through an Alternative Dispute Resolution (ADR) mechanism such as mediation, to provide the opportunity for the complainant to discuss the grievance directly with the officer to prevent recurrence, rather than more formal mechanisms. In response to community concern that mediation may become a means of pressuring a citizen into not filing a complaint, the Task Force recommended that strict parameters be established regarding when mediation is allowed and how it is offered. Further, the Task Force recommended that the IPM consider the merits of establishing an alternative dispute resolution mechanism with possible assistance from the then University President's Advisory Council regarding partnership with the City of New Orleans.

Civil Rights Division Investigation: 2011

As a result of the Rodney King hearings in 1991, the US Congress adopted the *Violent Crime and Law Enforcement Act 1994* which gives the federal government the power to investigate and sue any municipality or town that abuses its law enforcement power and authority and may subsequently require it to be monitored via a consent decree that places demands and conditions to avoid future practices of abuse.⁵

At the time of the police-civilian review above, the Task Force noted that the NOPD had a prior reputation for being "riddled with corruption" but had made marked improvements since 1995 in response to the Pennington Plan Review, including joining only 500 out of 18,000 (3%) of police forces nationally to obtain full accreditation against national standards. However, a decade later, the US DOJ Civil Rights Division conducted a thorough, independent investigation of the NOPD.⁶ In response to the profound dysfunction within the NOPD, local citizens- including victims' families, Safe Streets/Strong Communities, the

⁵ Stern, H., *supra*.

⁶ US Department of Justice, *Investigation of the New Orleans Police Department* (2011) www.justice.gov/crt/about/spl/nopd_report.pdf (last visited November, 16, 2011).

Louisiana Justice Institute, People's Hurricane Relief Fund etc- organized a successful campaign that led to the federal government to investigate and provide oversight and technical assistance to the NOPD.

The abuses of the NOPD experienced by the citizens of New Orleans are numerous and well-documented. The investigation reviewed NOPD policies and conducted extensive community consultations and concluded that basic elements of policing such as clear policies, training, accountability, and citizen confidence were lacking. In particular, the investigators found reasonable cause to believe that the NOPD engaged in misconduct that violated the US Constitution and federal law: engaging in excessive force; conducting illegal stops, searches, and arrests; and demonstrating discriminatory policing based on race, ethnicity, sexuality, language minority, and gender (and presumably disability). Ethical issues included lack of respect for the dignity and civil rights of citizens, violation of the constitutional boundaries of policing, and undermining the rule of law. Deficiencies in the NOPD were considered structural as well as individual; the investigators found that the Department had simply failed to respond to widespread violation of laws and policies and lacked the basic systems required to improve public safety, ensure constitutional practices, and promote public confidence.

A basic code of ethics for officers proposed by the DOJ includes: treating all individuals with dignity; treating people fairly regardless of race, ethnicity, national origin, gender, sexual orientation, religion (or disability); using only the force necessary to uphold the law and protect others and themselves; and acting with integrity, honesty, and diligence in enforcing the law (Civil Rights Division, 2011). According to the report, the communities most affected by policing practice are poor communities of color. Given the demographics of New Orleans, this means that a substantial number of New Orleanians are likely to be directly affected by policing practices. According to the 2010 Census, 27% of the city's population lives in poverty, African Americans comprise 60% of the city's population, and there is a significant Vietnamese presence and a growing Latino community. The NOPD itself is over 85% male and 51% African-American. The Report recommended that the NOPD: (1) develop and implement new policies and protocols; (2) train its officers in effective and constitutional policing; (3) ensure accountability; (4) improve the quality of policing; (5) eliminate unlawful bias from policing decisions; and (6) foster police-community partnerships (Civil Rights Division, 2011).

This Project Blueprint considers the fostering of community-police partnerships through mediation processes in response to incidents of a *minor* nature. Areas relevant to fostering community-police partnerships include the investigation's recommendations made regarding community oversight, aspects of misconduct complaints, and community oriented policing.

Community oversight

The 2011 DOJ investigation noted that there had been a long history of attempts to provide effective civilian oversight of the NOPD. For decades, the City of New Orleans Office of Municipal Investigation investigated complaints of misconduct until the office was defunded in 2008. In 2009 the IPM was created to: *improve cooperation and trust between the community and the NOPD through objective review of police misconduct investigations; provide outreach to the New Orleans community; and make thoughtful policy recommendations to the NOPD and City Council.* In addition, a community advisory board, in conjunction with the NOPD and the Mayor's office, is yet to be established; an important bridge for the community and NOPD to work together. Civilian oversight is seen as a powerful form of community engagement to ensure that reforms are sustained over time, even when court-ordered oversight has ended. The relationship between citizen oversight and the Mediation Project needs to be determined.

Misconduct complaints

In 2009, there had been 1,465 citizen complaints- on average 122 complaints per month- of NOPD misconduct. The investigation found that patterns and practices of unconstitutional conduct included: lack of accountability during intake, investigation and adjudication of misconduct complaints; the NOPDs policies and practices did not ensure that complaints were complete and accurate; the systematic exclusion of some types of misconduct (e.g. classifying alleged sexual assault and harassment as “professionalism” problems); and the failure to track discriminatory policing (Civil Rights Division, 2011). In practice, field supervisors did not have the training to manage misconduct investigations and so had failed to guide officer conduct, ensure arrests were based on probable cause, or managed citizen complaints. In particular, discipline and corrective action was inconsistent and did not reflect the seriousness of officer behavior and its impact on the community-police relationship. As a consequence, criminal conduct by officers had rarely been prosecuted. The investigation concluded that the NOPD disciplinary system had little legitimacy in the NOPD or the wider community. In addition, in the review of officer appeals there was a lack of transparency and regular reversal of disciplinary decisions by the Civil Service Commission. There was a general weakness in the NOPD Public Integrity Bureau’s (NOPD-PIB) investigations of individual officers. Thus officers were not held to account for their behavior, let alone changing their behavior.

The DOJ investigation noted that the NOPD had taken action to improve its complaint investigation process such as appointing a civilian deputy superintendent to lead the PIB and revising basic policies (e.g. the duty of an officer is to be honest and truthful and cooperate with investigations, dismissal is the presumptive penalty for dishonesty, and colleagues are to report misconduct to a supervisor). The report warned that although these changes are a good beginning, “...neither the public nor the police have confidence in NOPD’s current system for investigating and responding to allegations of police misconduct. A fundamental transformation of the processes for investigating and responding to allegations of police conduct must occur...” (Civil Rights Division, 2011, p. xviii).

The DOJ investigation viewed it as acceptable for field supervisors to investigate less serious allegations- inappropriate demeanor, verbal abuse, neglect of duty, and poor response to calls for service. The view was that the field supervisor was in the best position to provide constructive feedback, hold officers accountable, and prevent recurrence of negative officer-community encounters. However, this approach requires strong training, clear policy guidelines, and close oversight.

Community oriented policing

The DOJ investigation found that the concept of community policing was poorly understood by the NOPD. The concept of community policing is further defined and evaluated in B-Mediation Review Paper (attached). The investigation found that there was deep distrust of the NOPD, especially within groups defined by race, ethnicity, sexuality, language minority, and gender (i.e. other than white males). The NOPD has since publicly acknowledged the need to repair and cultivate their community partnerships. In August 2010, the NOPD had released a 65-point plan to reform the Department beginning with community policing as the first priority whereby NOPD would “listen, collaborate, and respond collaboratively”. To be effective, community policing requires a review of the Department’s leadership, policies, organizational culture, systems of accountability, and training and deployment of personnel. However, the DOJ investigators warned that the NOPD had failed to implement policies, training, and accountability to ensure inclusion of potential collaborative partners who could provide the NOPD information or insight into the collaborative partners’ communities. The Mediation Project needs to reinforce community oriented policing.

In summary, an outcome of the DOJ investigation is a forthcoming consent decree which will mandate reform but the responsibility for the NOPD requirements will rest with local officials.⁷ Professor Walker indicated that similar consent decrees in other jurisdictions have included: (1) state of the art use-of-force policies to guide officer conduct; (2) an early intervention system to monitor officer performance; and (3) *an improved citizen complaint process*.⁸ The Civil Rights Division (2011) recommended that the IPM work with a variety of community groups and individuals to develop mechanisms to ensure representative, active, and constructive community engagement in NOPD crime prevention and accountability.

Rebuilding the NOPD- First Steps

In August 2010, the NOPD released a 65-point plan.⁹ The ten underlying principles are aimed at the NOPD listening, collaborating, and responding proactively in order to better implement community policing throughout neighborhoods. In relation to citizen complaints, the following points are relevant:

Community outreach and transparency:-

Point 26: A Citizen Callback System that randomly selects victims of Part I and II crimes to: (1) confirm the accuracy of the report, (2) allow the complainant to add additional information; (3) provide the opportunity to assess the delivery of police service and professionalism of the officer; and (4) provide positive feedback regarding employees, and (5) provide feedback for remediation and/or discipline of employees who had failed to perform as expected.

Note that at April 2011 that the City of New Orleans website the links to the Citizen Complaint Procedure, Complaint Process, or Complaint Form failed and the IPM as an agency that can receive complaints is not listed (and the link to the Office of Inspector General failed as well).¹⁰

Point 35: A Citizens Advisory Panel (CAP) was to be established by the NOPD in the first quarter of 2011 made up of a diverse advisory group representing communities and neighborhoods. The CAP is to provide input and assist the Department with identifying and resolving community issues and concerns. At March 2012, CAPs were reportedly being established in every police district in the city.¹¹

Integrity-Accountability:-

Point 50: The NOPD- Public Integrity Bureau (PIB) will dedicate full cooperation and collaboration with the IPM; a mutually respectful relationship between the NOPD- PIB and the IPM will serve the community and the NOPD.

Hiring-Training-Labor Relations:-

Point 61: The NOPD senior leadership received advanced 40 hour training in Mediation (June-August 2010) and all sergeants and lieutenants completed the Responding to Allegations of Racial Profiling course. The courses were delivered by the US Department of Justice-Community Relations Service.

Point 62: Implementation of a Job Performance Improvement Plan (JPPI) policy which is a written plan to address unsatisfactory and/or below standard employee performance to assist the employee in obtaining acceptable performance.

⁷ Walker S., *supra*.

⁸ *Id.*

⁹ Serpas, R. W. *Rebuilding the New Orleans Police Department- First Steps*. (2010) http://media.nola.com/crime_impact/other/NOPD-65-point-plan.pdf (last visited 16 November 2011).

¹⁰ City of New Orleans, Citizen Complaint Procedure, <http://www.nola.gov/Government/NOPD/Citizen%20Complaint%20Procedure.aspx> (last visited 25 April 2012).

¹¹ See www.nola.com/crime/index.ssf/2012/03/algers_residents_encouraged_t.html (last visited 15 April 2012).

Failure to complete the terms and conditions of the JPIP will be grounds for corrective and/or disciplinary action. The link between the JPIP policy and mediation with a complainant is unknown.

MOU Between the NOPD and the IPM

In November 2010 an MOU was signed between the Departments.

Verbatim, areas relevant to citizen complaints and mediation include:

Authorizing Ordinance

4. *The IPM shall receive complaints alleging misconduct by NOPD that he (sic) will refer to the NOPD-PIB for investigation. The IPM shall develop relationships with community and civic groups that may receive civilian and anonymous complaints against NOPD member as a supplement to existing complaint intake mechanisms. It is suggested that this should be revised to include the IPM and NOPD-PIB jointly manage the complaint process so that complaints to the NOPD-IPM are referred to the IPM. It is also suggested that the language be gender neutral.*
13. *The NOPD and the Civil Service Commission shall work cooperatively to establish rules and regulations that require both to cooperate with the IPM as he (sic) actively monitors disciplinary and non-disciplinary proceedings. Again, the language should be gender neutral.*
15. *The IPM shall establish and administer a mediation program for civilian complaints, guided by best practices identified in other jurisdictions with such mediation programs. Consent of the civilian complainant, the police officer involved, and the NOPD shall be required before a case can be scheduled for mediation by a trained neutral mediator from outside the NOPD.*

Monitoring Investigations of Alleged NOPD Employee Misconduct

55. *Because the IPM-PIB mediation program is non-adversarial alternative to the regular complaint-handling procedure conducted by the PIB, if the citizen and employee agree to mediation, there will be no PIB investigation or no disciplinary action. A record of the complaint will be maintained, indicating: "Closed by mediation". It is suggested that a revised MOU state "agree and successfully mediate".*
11. *The IPM shall periodically review training sessions and schedules to identify best practices and any need for improvements to training curriculum or frequency.*

In summary, the Task Force, the DOJ investigation, the NOPD 65-point plan, and the NOPD-IPM MOU all provide direction for the Mediation Project. Specifically, the mediation Project has been provided parameters regarding mediation of minor offences, requiring consent, conducted by trained neutral mediators outside the NOPD and with a result of "closed by mediation" for the police officer. It is important to note that community-police mediation programs will not solve community-police relations problems or police misconduct and should only be viewed as one strategy of a larger commitment to strengthen police accountability and improve community-police relations.¹² In addition, as described in the attached Mediation Review Paper, best practices dictate that community-oriented policing can be enhanced by justice-based policing. In this way, the moral legitimacy of police officers is strengthened through respectful interactions with its citizens.

¹² Walker, S. *NOPD consent decree: What to expect—a guest column by Samuel Walker. (September 2010).*
http://www.nola.com/opinions/index.ssf/2010/09/nopd_consent_decree_what_to_ex.html (last visited October, 16, 2011).

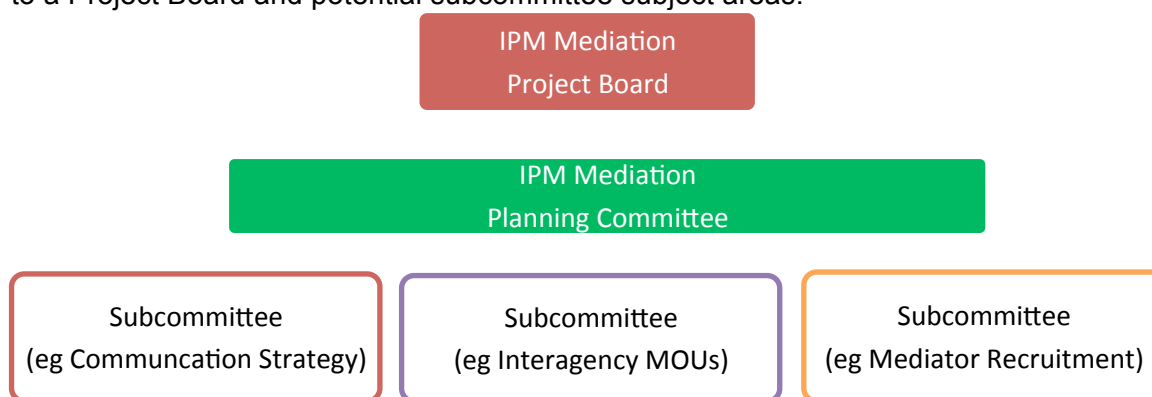
PROJECT STRUCTURE

The Mediation Project requires a governance framework. Successful mediation programs experience: support from the community; support from police (commanders, the rank-and-file, the union and so on); and trust between the police and mediators. Unsuccessful mediation programs experience: police officer opposition; poor understanding of mediation; lack of resources; failure of government agencies to assume the initial set-up costs; and lack of complainant incentives.¹³

While a mediation program may look straightforward to establish, it is the mediation establishment process itself that is all-important as partnerships are created and trust and understanding is built.¹⁴

Governance Structure

The following governance structure is proposed with a Project Planning Committee reporting to a Project Board and potential subcommittee subject areas:-



Project Board

The Project Board is responsible for the Mediation Project and should be chaired by the IPM Executive Director (or Deputy Director).

The Project Board is to:

1. Provide overall direction to the Mediation Project.
2. Demonstrate accountability for the implementation of the Mediation Project.
3. Authorize all sub-projects and communications relating to the Mediation Project.

The membership of the Project Board is to be decided by the IPM and is to include key agencies responsible for community-civilian mediation.

- The Project Board should meet quarterly.

Planning Committee

The Planning Committee reports to the Project Board and is chaired by the IPM Executive Director of Community Relations (or Deputy Director).

¹³ Walker, S., *Supra*.

¹⁴ *Id.*

The Planning Committee is to:

1. Facilitate a forum for exchanging ideas regarding the Mediation Project.
2. Provide expert advice to the Mediation Project.
3. Ensure that the Mediation Project objectives and key deliverables are achieved.

The membership of the Planning Committee is to be decided by the IPM and include a broad representation of relevant government and community-based organizations:

Examples of project stakeholders in the San Diego Police Dept are as follows¹⁵:

- SDPD command officers, including commanders responsible for the Internal Affairs Unit.
- Rank and file officers.
- The head of the SDPD EEO office, who had successful experience with mediating internal employee disputes.
- The director of the local mediation center.
- The director of the local citizen oversight agency.
- A representative of the police officers' collective bargaining organization.
- A representative of the collective bargaining organization representing non-sworn employees of the SDPD.
- Representatives of the community.

- The Planning Committee should meet at least every two months.

IPM Project Team

The IPM project team is made up of staff within the IPM with project management skills to:

1. Develop and approve all project briefs, processes, and procedures.
2. Prepare and review all documents to be provided to the Planning Committee and the Project Board.
3. Provide secretariat support to the Planning Committee and the Project Board.

The IPM Project Team should meet as often as required to complete assigned tasks.

Subcommittees

Subcommittees will be established as necessary and be chaired by a member of the Planning Committee.

Subcommittees will be established to:

1. Complete identified tasks and activities in the Project Plan.
2. Report back to the Planning Committee for endorsement.

The membership of the Subcommittee can include additional members of relevant government and community-based organizations with expertise in a particular area.

- The Subcommittees should meet as often as required to complete assigned tasks.

MEDIATION PROJECT BLUEPRINT

A project blueprint establishes a set of principles and objectives that then allow for process and outcome evaluation to occur. Evaluation allows future improvements in the Mediation Project to be made to further meet stated objectives and ensure sustainability.

¹⁵Id.

The remainder of the document will identify discussion points on which the Project Planning Committee and Project Board will need to make decisions.

The following information will provide the why, what, who, and how of the Mediation Project.

Why

A community-police mediation model will be established because:

1. The Police-Civilian Review Task Force (2001) recommended that: a complaint be dealt with through mediation, to provide the opportunity to discuss the grievance directly with the officer to prevent recurrence. Mediation, rather than more formal mechanisms, was recommended.
2. The Civil Rights Division (2011) recommended the fostering of police-community partnerships through community-citizen mediation processes.
3. The NOPD 65-point plan includes mechanisms such as community outreach and transparency, integrity-accountability, and recent mediation training to officers.
4. Point 15 of the NOPD-IPM MOU indicates that the IPM will establish and administer a mediation program for civilian complaints, guided by best practices identified in other jurisdictions.

In the long-term, citizen-police mediation is to address positively, effectively, and efficiently challenges unique to public safety departments:

1. The timeliness with which complaints are handled;
2. The ability to resolve complaints in a satisfactory manner for all sides;
3. The ability to convert complaints into opportunities to improve police-community relations;
4. The ability to identify a workable and sustainable system for handling allegations of racial bias; and
5. To lead to healing, forgiveness, and closure.

Alternatively, to achieve the goals that:

1. Officers and citizens are more satisfied with the mediation process and outcomes compared to the traditional complaint handling process and outcomes.
2. Police officers who resolve complaints through mediation have fewer citizen complaints filed against them.
3. The resolution time is faster for mediation cases compared to informal or formal case processing (Clemmons & Rosenthal, 2008).

What

To develop a community-police mediation program based on best practice.

Discussion Point: Which definition do you prefer (or do you want to create your own definition)?

Mediation Defined

Mediation refers to a range of processes in which an impartial person helps parties to a dispute to communicate and to make voluntary, informed choices in an effort to resolve their dispute. A mediator does not issue a decision regarding the merits of the dispute, but instead

facilitates a dialog between the parties with the view to helping parties arrive at a mutually agreeable settlement.¹⁶

OR

Mediation involves the informal resolution of a complaint or dispute between two parties through a confidential face-to-face meeting in a safe place. A professional mediator serves as a neutral facilitator for both parties who have control over, and ultimately agree on, an acceptable resolution.¹⁷

Discussion Point: Please come up with a list of observable and measurable objectives. Keep them simple as this is what the evaluation will be based on. This task may come at a later time when the model you develop becomes clearer.

Goals of Mediation

The three goals of community-police mediation are considered to be:¹⁸

1. Understanding- problems stemming from community-police interactions are often based on miscommunication and so the goal is to build understanding between the parties.
2. Problem solving- determine what factors lead to the complaint- misunderstanding, failure to communicate, and/or inappropriate behavior.
3. Reconciling- reaching some agreement that the parties have listened and gained a better understanding through listening and dialog, and may include an apology.

Example of objectives of the San Diego Police Dept Mediation Program:

- I. To increase the satisfaction of community members and police department personnel with regard to the resolution of citizen complaints.
- II. To foster understanding and open communication between parties in a neutral setting.
- III. To provide the opportunity for parties to accept responsibilities and make changes, if necessary, to resolve conflict.
- IV. To promote effective police/community partnerships.
- V. To reduce the number of complaints filed by citizens.
- VI. To reduce the number of disciplinary actions.
- VII. To develop problem solving opportunities for both parties.
- VIII. To conserve Department resources.
- IX. To improve the Department's image in the community.
- X. To provide a timely alternative to the formal complaint process.

Based on evaluative outcomes, possible objectives are¹⁹:-

Citizen complainants

1. The citizen is satisfied with the mediation outcome.
2. The citizen has gained a better understanding of the police officer and policing.

Police officer

3. The police officer is satisfied with the mediation outcome.
4. The police officer has gained a better understanding of the citizen and the citizen complaint.
5. Collectively and individually, police officers have fewer complaints filed over time.

¹⁶ American Arbitration Association, *Consumer due process protocol* (2011) <http://www.adr.org/sp.asp?id=22019> (last visited November, 16, 2011).

¹⁷ Walker, S., *Supra*.

¹⁸ *Id.*

¹⁹ *Id.*

Complaint Process

6. Mediated complaints are resolved more quickly than investigated complaints.
7. Mediated complaints are resolved at less cost than investigated complaints.
8. The number of complaints initially increases as a result of accessibility to a mediation program.
9. The number of investigations decreases as a result of a mediation program.

Community-Police Interactions (note that these objectives are more difficult to measure)

10. Mediation lessens conflict between police and minority groups.
11. Mediation enhances trust and confidence between police and minority groups.
12. Mediation contributes positively to community-oriented policing.

Principles

Discussion Point: Do you agree with the following principles or do they need to be revised?

A project blueprint requires a set of principles to “anchor” the Mediation Program so it can maintain its integrity and be used to review delivery if evaluations show that the Program is not effective.

The following principles are derived from a review of the international literature and consideration of similar programs in the US and elsewhere:-

1. *Ensure mediation is voluntary*
The citizen and officer must both provide informed consent and both must be able to withdraw from the process at any time. A citizen cannot be pressured into mediation. However, refusal by a police officer will result in alternative investigation processes (i.e. a forced choice between mediation and disciplinary investigation for the officer).
2. *Ensure mediation is confidential*
The content of the mediation is confidential; statements made by either party cannot be subsequently used in any formal legal proceedings even if the officer is returned to the investigation process.
3. *Offer bilingual mediators or translators in mediation*
A number of complainants will involve people with limited English language skills and who will also require outreach services to explain the law.
4. *Ensure mediation is for issues that meet the inclusion criteria*
Clearly articulated inclusion criteria and exclusion criteria will ensure consistency in the mediation option being offered to a complainant.
5. *Ensure mediation does not replace police accountability*
In practice, mediation is a diversion for those cases that are unlikely to be sustained by more traditional police officer disciplinary processes. Mediation should not be utilized as a means to avoid disciplinary procedures for those more serious complaints that are to be excluded.
6. *Clearly explain the mediation outcome*
Prior to consent to mediation, the possible outcomes of mediation must be clearly explained to the citizen and the officer so there are no unrealistic expectations.

7. *Provide officer incentives to participate in mediation*

Incentives that reward police officers for successfully participating in mediation are more likely to positively engage officers as compared to sanctions for not participating in mediation.

8. *Deliver the program with trained mediators*

Trained and neutral mediators should be appointed who meet the professional standards for the American Arbitration Association, the Society for Professionals in Dispute Resolution, or the American Bar Association on Section on Dispute Resolution. Additional training prior to commencement should be provided by the IPM.

9. *Recognize the power differential*

In comparison to other mediation settings, there is a unique power differential between police and citizens derived through formal police authority within the criminal justice system and police power to inflict harm or limit freedom. Therefore, mediators need to recognize this power differential and ensure a level playing field, by acknowledging potential racial, ethnic, and gender imbalances.

10. *Record success of mediation*

Consider mediation as only successful when the complaint is resolved to the satisfaction of both parties as evidenced by a signed Resolution Agreement and monitor results on a Client Satisfaction Survey.

Who

Community-police mediation includes the complainant/s, the officers/s and the mediator/s.

Complainant

The benefits of mediation for citizens have been found to include: a more efficient process; greater opportunity to meet goals; greater satisfaction with the complaint process; better understanding of policing; and empowerment through self-determination.²⁰

Officer

Other than avoiding a disciplinary record, the benefits of mediation for police officers have been found to include: a more efficient process; better understanding of their interactions with citizens; opportunity to explain their actions to citizens; greater satisfaction with complaint process; empowerment in taking an active role; and a chance to learn from their mistakes.²¹

Mediator

The role of mediator is to be a neutral and trained third party who does not influence or pressure either party in order to come to an agreement; the complainant and officer own the process. The mediator needs to be particularly sensitive to the potential underlying racial or ethnic dynamics of the situation leading up to the complaint and be prepared to address these dynamics in order to create a level playing field.

How

Discussion Point: The following steps are suggested for initial discussion but are to be agreed upon?

²⁰ *Id.*

²¹ *Id.*

The 2010 NOPD-IPM MOU defines a complaint as: “A written, filed expression of dissatisfaction, an allegation of misconduct or of a violation of a departmental regulation, order or procedure or of criminal law by an NOPD employee...”.

The suggested steps are as follows:²²

Step 1: Lodge a complaint

The citizen makes a written complaint of alleged police officer misconduct to the IPM, to the NOPD-PIB, or via trained members in community organizations who will provide the complaint to the IPM. Clear instructions on websites, with working links, are required.

Step 2: Determine eligibility criteria

Discussion Point: Should (1) the IPM approve mediation and refer to NOPD-PIB for approval OR (2) should the IPM and NOPD-PIB work simultaneously by meeting weekly/fortnightly to review complaints OR (3) another option?

Circle: (1) or (2) or provide alternative options for (3)

The IPM or NOPD-PIB receive the complaint and the IPM or NOPD-PIB together determine whether the eligibility criteria are (a) met for mediation or (b) if the complaint should be handled by the more formal disciplinary processes. IPM Complaint intake staff should be trained to recommend mediation or other disciplinary action, *based upon the wishes of the complainant*.

Discussion Point: Should the IPM use the criteria as part of the eligibility criteria below? Please tick the eligibility criteria you think should be included and excluded and brainstorm any other criteria

| <i>Mediation inclusion criteria</i> | | <i>Mediation exclusion criteria</i> | |
|-------------------------------------|--|-------------------------------------|--|
| <input type="checkbox"/> | Complainant alleges racial, ethnic, or gender slurs (see below) | <input type="checkbox"/> | Complainant alleges racial, ethnic, or gender slurs (see below) |
| <input type="checkbox"/> | Officer used mild physical force | <input type="checkbox"/> | Complaint stems directly from an arrest |
| <input type="checkbox"/> | Officer engages in stop-and-frisk | <input type="checkbox"/> | Officer use of force |
| <input type="checkbox"/> | Officer seizes or damages property | <input type="checkbox"/> | Officer has a recent use of force history |
| <input type="checkbox"/> | Officer refuses to identify him/herself | <input type="checkbox"/> | Officer threatens to use force |
| <input type="checkbox"/> | Officer used discourteous or offensive language | <input type="checkbox"/> | Potential criminal charges against the officer |
| <input type="checkbox"/> | Officer misuses authority or engages in biased policing | <input type="checkbox"/> | Officer named in 3 citizen complaints in past 12 months |
| <input type="checkbox"/> | Officer responds too slowly to a request | <input type="checkbox"/> | Officer has chronic or serious misconduct issues |
| <input type="checkbox"/> | Officer neglects duty | <input type="checkbox"/> | Officer has a sustained a case in past 12 months or had mediation within past 6 months or 3 mediations in past 2 years |
| <input type="checkbox"/> | Selective enforcement (not responding to violations by family, friends, acquaintances) | <input type="checkbox"/> | Officer named in a similar misconduct or serious misconduct allegation in past 3 months |
| <input type="checkbox"/> | Officer has not been the object of a mediated complaint in past 12 months. | <input type="checkbox"/> | Officer is a witness against a complainant in a pending criminal case |
| <input type="checkbox"/> | | <input type="checkbox"/> | Questions of law |
| <input type="checkbox"/> | | <input type="checkbox"/> | Complaint alleges corruption |
| <input type="checkbox"/> | | <input type="checkbox"/> | Officer drug and/or alcohol use |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <i>Any others?</i> | <input type="checkbox"/> | <i>Any others?</i> |

²² *Supra*, Walker

The arguments for including slurs are: mediation is well-suited to racial- and ethnic-based complaints as it can overcome stereotyping and so mediation can act as a unique bridge for bringing parties together face-to-face and so empowers both parties to be active participants. Female complainants against male officers have not been shown to be disadvantaged.

The arguments against including slurs are: the parties are not on a level playing field and so mediation allows the officer to avoid disciplinary action and disadvantages the powerless.

Step 3: Determine suitability criteria

Once a complaint is deemed to be eligible for mediation, a determination that the complaint is suitable for mediation is also required. Suitability can be determined by evaluating whether the parties are capable of dealing fairly with each other (e.g. the complainant may be too upset to mediate or the officer may have a poor attitude toward mediation).²³ At the NYC Civilian Complaint Review Board, the NYPD determines whether an officer is suitable for mediation and may decline without providing a reason (e.g. there may be an internal investigation underway regarding another matter).

Suitability criteria can consider whether: (1) mediation is likely to improve complainant satisfaction; (2) mediation is likely to improve officer conduct; and (3) mediation is likely to improve community policing goals of improved citizen-police relations (which can also become objectives of the Mediation Program).

In conjunction with the IPM and the NOPD-PIB, the Mediation Program Manager determines suitability through phone contact individually with the complainant (to discuss their options and determine if they would be willing to mediate) and with the officer (to see if they agree;); it is a voluntary process.

Step 4: Provide information to parties

The Mediation Program Manager provides plain written and verbal information regarding the mediation process to the complainant and the officer and obtains informed consent from both to participation.²⁴ Citizens require gentle encouragement without coercion and police officers benefit from assurance from peers and the police union (if one exists) that mediation is a good choice. The written and verbal information needs to clarify that confidentiality is protected by a range of Federal and State statutes as well as protected by professional standards for mediators (see American Arbitration Association, the Society for Professionals in Dispute Resolution, or the American Bar Association on Section on Dispute Resolution). Confidentiality is taken very seriously at the NYC Civilian Complaint Review Board, although they may not be able to prevent a citizen from breaching confidentiality (but this potential issue had not yet occurred at 2011). An example of a Mediation Confidentiality Agreement from the San Diego Police Department is available.²⁵

Discussion Point: Should the police officer wear a uniform to mediation? YES/NO

The role of uniforms is often an emotive issue amongst para-military organizations and so a decision needs to be made whether officers are to stay in uniform during mediation.

The arguments for wearing a uniform: Mediation is conducted in police work time and so the officer is on duty and so cannot be barred from wearing a uniform. The officer was in uniform when interacting with the complainant and so making contact in these status positions may empower the complainant.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

The arguments against wearing a uniform: The complainant may feel that the officer is using the uniform to wield power in the mediation session and then may choose to terminate the session. In NYC officers are instructed to appear in civilian attire.

Step 5: Arrange the meeting

Discussion Point: Incentives in mediation is required. Please tick the incentives you think should be included for mediation.

The allocated mediator/s engage the parties to mediate. One of the greatest obstacles to mediation is getting the parties- two individuals who lack a meaningful relationship- “to the table” which requires incentives and persuasion.²⁶ The tangible incentive for officers is that a successfully mediated complaint does not appear on their record and the mediation occurs during work time. In contrast, mediation can be a tangible disincentive for the complainant who has to give up family and work time to participate and so flexible scheduling should be offered.

| <i>Incentives for successful mediation</i> | |
|--|---|
| <input type="checkbox"/> | Content is confidential. |
| <input type="checkbox"/> | Content cannot be used in any future judicial proceeding or be subject to public discovery. |
| <input type="checkbox"/> | The allegation is removed from the officer's record and replaced with “mediated” with no further investigation. |
| <input type="checkbox"/> | The case cannot be appealed. |
| <input type="checkbox"/> | A copy of the mediation agreement is placed in the PIB/NOPD file and not circulated further. |
| <input type="checkbox"/> | Letter of recognition to the police officer's supervisor that a successful mediation occurred. |
| <input type="checkbox"/> | Any others? |

Discussion Point: Unsuccessful mediation may also include some consequences. Please tick the consequences you think should be included for mediation.

| <i>Consequences for unsuccessful mediation</i> | |
|--|---|
| <input type="checkbox"/> | Return the complaint to traditional investigation methods |
| <input type="checkbox"/> | Letter in file that indicates an unsuccessful mediation |
| <input type="checkbox"/> | Any others? |

Step 6: Conduct the mediation process

The allocated mediator/s conduct a mediation session. Mediation is a structured process and the dialogue between the two parties is the most important part of the process²⁷:-

1. Introduction- the mediator introduces the parties, explains the mediation process, and agrees on the ground rules.
2. Problem determination- the mediator identifies the problem that brought the parties together and the mediator asks each party to explain his or her side of the story.
3. Summary- the mediator summarizes the problem in a neutral and even-handed manner.
4. Issue identification- the mediator helps the two parties identify specific issues that need to be mediated. The mediator must not introduce his or her interpretation of the dispute.
5. Development of alternatives- the mediator helps the two parties discuss alternative ways to resolve the dispute. Again, the mediator should not impose a solution or a quick settlement.

²⁶ *Id.*

²⁷ Mitchell, R & Dewhirst, S. *The mediator handbook: a training guide to mediation techniques and skills*, Center for Dispute Resolution, Capital University Law and Graduate Center (1990).

6. Selection of appropriate alternatives- the mediator helps the two parties agree on an appropriate resolution.
7. Conclusion- the mediation session concludes with a clear statement of, and agreement on, the terms of the resolution.

Attention to communication styles is important in New Orleans as the culture is influenced by racial, ethnic, and cultural traditions.²⁸ Multicultural miscommunication can result in “attribution error”; one party attributes negative or hostile meaning to communication or behavior by someone of a different cultural tradition, when the person may mean no offense (this issue may underpin the original complaint).²⁹ Communication style includes body language, eye contact, speech patterns, and density of language.³⁰ Mediators need to be trained in being alert to these nuances.

There is no fixed length for a session but generally mediation is completed within one meeting and occurs for about 60-90 minutes.³¹ The goal is to focus on reaching an agreement without forcing the parties into one.

Step 7: Document the mediation outcomes

The mediator/s concludes the mediation and documents the outcome.

The agreed outcome is documented with a statement signed by both parties and the mediator/s to notify organizations that the mediation was successful. A successful mediation is: an understanding that the complaint is resolved to the satisfaction of both parties. An unsuccessful mediation is: one or both sides decide that no satisfactory resolution has been reached.³²

It is impossible to engage how sincere or committed a police officer may be to the mediation process. A measure of sincerity is how satisfied the complainant is that the officer has listened, and responded to, the complaint even if an explicit apology is not provided. Research indicates that police officers are reluctant to offer apologies but may do so indirectly (e.g. they were having a bad day, they are sorry about how the complainant felt about the incident, or they are sorry for how the complainant had experienced the incident). As one goal of mediation is to promote understanding, a police officer hearing but agreeing to disagree is sufficient. However, an officer cannot refuse to acknowledge what the complainant is saying and the complainant cannot use the session to berate the officer. In this instance, the mediator should help encourage the parties to reach an understanding but should not coerce a settlement. If either the citizen or officer feels that the other party is not participating sincerely, s/he can terminate the session.

Creative outcomes include agreement to take some action outside of the mediation session which needs to be documented and clearly defined. For example, when an African American complainant stated that the white police officer had treated him “like a dog” and “he should see me in church on Sunday to see what kind of person I really am”, the officer accompanied the man to church and they had a coffee afterwards.³³ Failure to follow through with agreed tasks would be considered an unsuccessful mediation.

²⁸ Umbreit, M.S., and Coates, R.B., *Multicultural implications of restorative justice: Potential pitfalls and dangers* (2000) www.ncjrs.gov/.../restorative_justice/restorative_justice.../ncj176348 (last visited November, 16, 2011).

²⁹ Walker, S., *Supra*.

³⁰ Umbreit, M.S., *Supra*.

³¹ Walker, S., *Supra*.

³² *Id*

³³ *Id*

Step 8: Evaluate the mediation

All mediation programs reviewed have a Mediation Survey to be completed at the conclusion of mediation. The Mediation Survey should be designed around the objectives of the Mediation Project and should include measures regarding complainant and officer satisfaction, being heard, and being allowed to give their side of the story. The NYC Civilian Complaint Review Board has an example of a Mediation Survey (which could also be used to make across-program comparisons).

MEDIATOR SKILLS AND LOCATIONS

Mediator Skills

Discussion Point: What should the minimum standards for a mediator be?

Mediators are required to have certain qualifications and particular skills as well as values of neutrality and sensitivity to underlying racial and underlying racial, ethnic, and gender issues. Generally, mediators are required to attend 40 hours of training in order to meet the professional standards for the American Arbitration Association, the Society for Professionals in Dispute Resolution, or the American Bar Association on Section on Dispute Resolution. An additional 1-2 years experience has been recommended³⁴. Therefore, if students are to be utilized as mediators, active supervision at all times is paramount. It appears in the literature that most mediators are lawyers but mediators may also include mental health professionals, police members, or have been described as a “non-police member” or “other”.

Most programs have a formal relationship with a local mediation center that provides trained mediators. Some programs draw from a list of certified mediators provided by the local bar association with mediators being paid a fee per hour or mediators not being paid directly but an administrative fee paid instead to the mediation center.³⁵

A Community-Police Mediation Program requires professional mediators that demonstrate:

1. Mediator skills- a combination of human relations and mediation skills (i.e. professional, sensitive, street smart, and good communicators).
2. Mediator neutrality- mediators cannot be hostile toward, or protective of, police or community members and must declare any potential political or personal association or other conflicts of interest.

Discussion Point: Under what circumstances should a co-mediator be used?

The NYC Civilian Complaint Review Board used to have co-mediators but this practice was reduced primarily due to budgetary constraints and data over time that 90% of complaints could be managed by a single a sole mediator; co-mediator may occur if the complaint is against a number of officers from a single incident.³⁶ Whether single or co-mediators are used needs to be considered in light of the amount of trauma and mental health issues in the New Orleans community post-Katrina. A mediator with a mental health qualification would be appropriate under certain circumstances.

³⁴ Interview with Lisa Grace Cohen, Director of Mediation, NYC Civilian Complaint Review Board, in N.Y., N.Y. (Nov 10, 2011)

³⁵ Walker, S., *Supra*.

³⁶ Interview with Lisa Grace Cohen, Director of Mediation, NYC Civilian Complaint Review Board, in N.Y., N.Y. (Nov 10, 2011)

Mediation Location

Discussion Point: Under what circumstances should a co-mediator be used?

Mediation locations range from formal offices where a Civilian Complaint Review Board may be located to local non-profit mediation and dispute resolution centers to a place agreed to by the complainant and officer. Generally, mediation occurs within the city limits and rarely occurs within a police precinct.

The mediation location should be accessible to both citizens and police officers, it should be considered by both parties to be a “safe place”, and should not occur at a NOPD location.

Mediator Model

Discussion Point: What mediation services are currently available?

Based on a website search in November 2011, the mediation services available in New Orleans appear to be sparse:-

1. *The Twomey Center for Peace Through Justice, Loyola University, New Orleans*³⁷
The Twomey Center has been established to address needs perpetuated by the lack of workers' rights and human rights, racism, poverty, and inadequate educational opportunities. For example, training and consultancy is provided for developing change processes based on peace, justice, and empowerment, including mediation skills.
2. *Community Mediation Services, Neighborhoods Partnership Network*³⁸
A non-profit founded in 1994 that promotes non-violent approaches to resolving conflict. CMS offers training in mediation and restorative justice practices for schools, the criminal justice system, neighborhoods, and other organizations. Restorative justice practitioners help organizations institute restorative practices such as circles, restorative discipline, victim-offender conferences, community conferencing, and defense based victim advocacy. In 2011, CMS merged with Turning Point Partners of Louisiana³⁹, established in 2001 to provide restorative training and services to communities, schools, juvenile courts and detention facilities and includes trauma awareness and resilience. This service is now based within the Twomey Center. It appears that the mediators are volunteers.
3. *Louisiana State Bar Association*
The Alternative Dispute Resolution section maintains a list of mediators in the State and can be contacted at: (504) 566-1600.
4. *Any others?*

Discussion Point: What sort of mediator model would you like?

- Option 1: Access to pro bono mediators through a non-profit mediation center or university clinic to deliver mediation.
- Option 2: Obtain and provide funding to a mediation center to administer mediation.
- Option 3: Fund fee-for-service to mediation centers or selected mediators to conduct mediation.

³⁷ The Twomey Center for Peace Through Justice, *About the Twomey Center*, <http://www.loyno.edu/twomey/about-twomey-center> (last visited November, 16, 2011).

³⁸ Neighborhood Partnership Network, Community Mediation Services, <http://www.npnola.com/associations/organizations/view/328/community-mediation-services> (last visited November, 16, 2011).

³⁹ Turning Point partners of Louisiana, History http://cms-tppl.org/?page_id=168 (last visited November, 16, 2011).

QUALITY ASSURANCE

Discussion Point: Is the IPM responsible for quality assurance? YES/NO?

Ongoing monitoring and evaluation is crucial to ensure the Mediation Program is working properly.⁴⁰ A website is available that provides quality assurance measures for different types of alternative dispute resolution processes.⁴¹

Ongoing monitoring and evaluation is crucial to ensure the Mediation Program is working properly and meeting its objectives.

The following are the evaluation questions to be considered of a mediation program:

| Citizen complainants | |
|-----------------------------------|--|
| 1. | Does mediation provide a more satisfactory experience for citizen complainants than traditional complaint investigation procedures? Specifically: • Are complainants more satisfied with the process? • Are complainants more satisfied with the outcomes of mediation? |
| 2. | Does mediation provide citizen complainants with a better understanding of policing and police officers than traditional complaint investigation procedures? |
| Police officers | |
| 3. | Does mediation offer police officers with a more satisfactory experience than traditional complaint investigation procedures? Specifically: • Are officers more satisfied with the process? • Are officers more satisfied with the outcomes? |
| 4. | Do officers gain a better understanding of citizens and citizen complaints through mediation than through traditional complaint investigation procedures? |
| Police Accountability | |
| 5. | Do individual officers who resolve complaints through mediation have fewer complaints filed against them? |
| 6. | Do officers experienced in mediation have measurably different attitudes about citizens, citizen complaints, and complaint procedures than officers inexperienced in mediation? |
| Police-Community Relations | |
| 7. | Does mediation help to lessen conflict between the police and racial/ethnic minority communities? Specifically: • Do citizen complainants who experience mediation have a more positive attitude toward police than complainants who do not choose mediation or citizens in the general population? • Do police officers experienced in mediation have a more positive attitude toward citizens of different racial/ethnic groups than officers inexperienced in mediation? |
| 8. | Does the existence of a mediation program enhance trust and confidence in police among racial/ethnic minority group leaders? |
| Community Policing | |
| 9. | Does a mediation program contribute positively to community policing? Specifically: • Do citizen complainants perceive a connection between the goals of mediation and the goals of community policing? • Do police officers perceive a connection between the goals of mediation and the goals of community policing? |

⁴⁰ Walker, S., *supra*.

⁴¹ National Policy Consensus Center, Assuring Quality in ADR Practice and Programs, www.policyconsensus.org/tools/qualityassurance/qa_8.html (last visited November, 16, 2011).

| Citizen Complaint Process | |
|--|---|
| 10. | Are mediated complaints resolved more quickly than investigated complaints? |
| 11. | Is mediating complaints less expensive than investigating complaints? |
| 12. | Assuming evidence shows that mediation provides a more satisfactory experience for complainants, does the existence of a mediation program lead to an increase in the number of complaints filed? |
| Developing Mediation Programs | |
| 13. | What factors contribute to the creation of a citizen complaint mediation program in a local community? What are the most important factors? <ul style="list-style-type: none"> • Community leadership? • Police department leadership? • Leadership among elected officials? • The strength of an alternative dispute resolution culture, as indicated by the prevalence of mediation programs in the local community? |
| 14. | What factors inhibit the creation of a citizen complaint mediation program? <ul style="list-style-type: none"> • Opposition from police department leadership? • Opposition from the rank and file and the police union? • A lack of support from elected officials? • A lack of financial resources? • The absence of a supportive alternative dispute resolution culture in the local community? |
| Developing a Significant Caseload | |
| 15. | What factors contribute to or inhibit the development and maintenance of a reasonable mediation caseload? <ul style="list-style-type: none"> • The quality of informational materials available? • Support from police department leadership? • Support from the police rank and file or union? • Adequate and dependable financial support? • Location of and accessibility to mediation sessions? |

Briefly, quality assurance processes include two methods of monitoring and of evaluation. *Process* evaluation measures are qualitative measures of how the outcomes are achieved (e.g. results on satisfaction surveys completed by complainants and officers). *Outcome* evaluation measures are qualitative and quantitative measures of how effectively the outcomes are achieved (e.g. reduced number of complaints over time as community-police relations improve or efficiency cost and time savings as an alternative to investigations). The measures applied will depend upon the agreed upon objectives. It is suggested that contact be made with a university psychology department to assist in the design of an evaluation framework once the objectives for the Mediation Project have been agreed to by the members of the IPM Mediation Project Planning Committee.

A document entitled "Birgden- Quality Assurance Framework for Victorian Courts" has been downloaded on the IPMs system to assist the Project Manager.

IMPLEMENTATION PLAN

Project Goal

Example- to establish an effective and independent community-police complaint mediation program.

Discussion Point: The project goal is to be agreed upon by the IPM Mediation Project Planning Committee.

Project Plan

The following *draft* Project Plan is to be considered and reviewed by the IPM Mediation Project Planning Committee. The Tasks are sequential with Activities to be completed within each task.

A Project Plan needs to meet the following elements:

Inputs- resources required (e.g. funding, staff, training & education)

Activities- the service delivery tasks of a project (detailed in the *draft* Project Plan below)

Outputs- the outcomes you are hoping to achieve (e.g. the % eligible and suitable complaints mediated)

Outcomes- short-term and long-term outcomes, e.g:

- Short-term outcomes- 80% of eligible and suitable complaints mediated.
- Long-term outcomes- improved understanding, problem solving and reconciliation between police and citizens.

Discussion Point: Consider the section above describing goals of mediation.

| | |
|---|--|
| Task 1 | |
| The IPM research existing community-police mediation structures and programs: | |
| Activity 1 | A- Project Blueprint (Birgden & Lopez-Varona, completed Nov 2011) |
| Activity 2 | B- Mediation Review Paper (Birgden & Lopez-Varona, completed Nov 2011) |
| Task 2 | |
| The IPM establishes a Project Board and a Planning Committee: | |
| Activity 1 | Follow the Project Structure proposed in this document. |
| Activity 2 | Invite members to participate in the Project Board or the Planning Committee. |
| Activity 3 | Develop an agreed upon Terms of Reference and estimated completion date for the Project Board and the Planning Committee. |
| Task 3 | |
| The Planning Committee achieves stakeholder agreement on a Mediation Project Framework: | |
| Activity 1 | Review A- Project Blueprint and B- Mediation Review Paper. |
| Activity 2 | Agree on the proposed framework document (see descriptors above) <ul style="list-style-type: none"> a) Inputs b) Activities c) Outputs d) Outcomes |
| Activity 3 | Obtain approval/revisions for the Mediation Project Framework from the Project |

| | |
|---|---|
| | Board: |
| Task 4 The Planning Committee revises this Project Plan: | |
| Activity 1 | Agree on tasks and activities and timelines to achieve them. |
| Activity 2 | Provide members with a gantt chart where certain persons are responsible for identified tasks and activities. |
| Activity 3 | Obtain approval/revisions for the Project Plan from the Project Board |
| Task 5 The Planning Committee establishes clear processes (i.e. the steps regarding the “how” at p. 16): | |
| Activity 1 | Establish a clear referral and eligibility process whereby complainants can access the mediation program. |
| Activity 2 | Establish clear pathways for complainants to access the appropriate government agencies, including access to local and trained community-based organizations that can complete Complaint Investigation Reports. |
| Activity 3 | Obtain approval/revisions for access processes to mediation from the Project Board. |
| Task 6 The Planning Committee develops and establishes a mediation program staffing model: | |
| Activity 1 | Develop a staffing model and reporting structure for the mediation program and establish a mechanism that ensures adequate ongoing supervision of mediators. |
| Activity 2 | Determine where the mediation program is to be physically located. |
| Activity 3 | Develop for certified mediators the role description that provides effective mediation with skills and values conducive to: (a) working with citizen complainants and police officers and (b) providing education and training to community members, police officers and their supervisors, and other agencies. |
| Activity 4 | Conduct complaint intake and outcome analysis of the likely number of civilian complaints that will meet the criteria for mediation in the next three years. |
| Activity 5 | Calculate the set-up costs and operating costs for the next three years and determine the funding sources. |
| Activity 6 | Plan for the incremental establishment of FTE staff required to manage the projected workload. |
| Activity 7 | Obtain approval/revisions for the mediation staffing model from the Project Board. |
| Task 7 The Planning Committee obtains clear commitments from stakeholders regarding the interagency working relationships: | |
| Activity 1 | Review the 2010 NOPD-IPM MOU ⁴² |
| Activity 2 | Develop interagency MOUs between the IPM and relevant government and community agencies. |
| Task 8 The Planning Committee develops a communication strategy for community members, future complainants and police officers: | |
| Activity 1 | Obtain funding to develop a clear communication strategy. |
| Activity 2 | Develop and provide language accessible literature to community members |

⁴² Note- that “successful” mediation should be added in to the NOPD-IPM MOU and that the IPM is currently described as a “he”.

| | |
|--|--|
| | regarding the process to lodge a complaint. |
| Activity 3 | Develop and provide clear instructions to police officers regarding the incentives for agreeing to mediation and the consequences of refusing mediation. |
| Activity 4 | Establish clear procedures for ensuring informed consent to mediation is obtained from complainants and from police officers. |
| Activity 5 | Develop a transparent and regular communication strategy for government and community stakeholders regarding the Mediation Project |
| Activity 6 | Obtain approval/revisions for the communication strategy from the Project Board. |
| <p><i>Task 9</i> The Planning Committee ensures an ongoing quality assurance process of the Mediation Program:</p> | |
| Activity 1 | Determine the funding required to establish a process and outcome evaluation process based on the project logic. |
| Activity 2 | Establish <i>process</i> evaluation measures (qualitative measures of how the outcomes are achieved). |
| Activity 3 | Establish <i>outcome</i> evaluation measures (qualitative and quantitative measures of how effectively the outcomes are achieved). |
| Activity 4 | Obtain approval/revisions for the quality assurance process from the Project Board. |
| <p><i>Task 10</i> Planning Committee established a mechanism for ongoing Project Oversight:</p> | |
| Activity 1 | Agree on an ongoing interagency oversight and monitoring mechanism. |
| Activity 2 | Make agreed upon adjustments to the objectives and procedures of the Mediation Program based on the evaluation outcomes. |
| Activity 3 | Obtain approval to cease the Project Board when it is no longer required. |